



MEMO ENDORSED

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March 27, 2018

BY ELECTRONIC MAIL

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/28/18

Re: *United States v. Jason Galanis, et al., S1 16 Cr. 371 (RA)*

Dear Judge Abrams:

I represent Devon Archer, one of the defendants in the above-referenced case. I write to respectfully request the Court's permission for Mr. Archer to take a business trip to China. Your Honor has sixteen times previously granted Mr. Archer permission to travel internationally on business, which he has done without incident on each occasion, including to Italy, England, Spain, Latvia, Lithuania, Russia, Kazakhstan, the United Arab Emirates, Vietnam, China, Hong Kong, Malaysia, Singapore, Mexico, and the Philippines. As before, the Court's Pretrial Services Office consents to this request, but the Government objects.

The proposed trip would be from March 31-April 5 to Shanghai, China to participate in various meetings for certain businesses with which Mr. Archer is associated. As usual, Mr. Archer has provided an itinerary to his Pretrial Services Officer, who as noted consents to this request. A copy of Mr. Archer's proposed flight and lodging information is attached as Exhibit A, which we respectfully request to be filed under seal.

On sixteen prior occasions, the Court has permitted Mr. Archer to travel internationally for business. On each occasion, Mr. Archer returned on time and without incident. In addition, Mr. Archer has reported to Pretrial Services daily while away, and has executed and provided to the United States Attorney's Office an open-ended waiver of extradition, in the form requested by the Government, which covers not only his business trips but the entire duration of proceedings in this case. Specifically:

- On June 13, 2016, Your Honor permitted Mr. Archer to travel on business to Italy.
- On July 26, 2016, Your Honor permitted Mr. Archer and his wife, Dr. Archer, to travel on business to Latvia.

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- On September 9, 2016, Your Honor permitted Mr. Archer to travel on business to China.
- On October 17, 2016, Your Honor permitted Mr. Archer to travel on business to England and Lithuania. On October 21, 2016, Your Honor further granted permission for Mr. Archer to modify his itinerary to include business travel to Russia.
- On November 28, 2016, Your Honor permitted Mr. Archer to travel on business to England and Spain.
- On January 4, 2017, Your Honor permitted Mr. Archer to travel on business to Vietnam and China. On January 17, 2017, Your Honor further granted permission for Mr. Archer to modify his itinerary to include travel to the United Kingdom.
- On February 16, 2017, Your Honor permitted Mr. Archer to travel on business to Singapore, Malaysia, and the Philippines. Although Mr. Archer's wife did not travel with him, she was permitted to retain her passport because she had a separate international trip planned for the same time.
- On March 6, 2017, Your Honor permitted Mr. Archer to travel on business to Russia and London. Mr. Archer's wife and his oldest child were permitted to join him in London for that leg of his trip.
- On March 23, 2017, Your Honor permitted Mr. Archer to travel on business to the Philippines. On that occasion Mr. Archer's family did not surrender their passports because, although they did not travel with him, Mr. Archer's wife and children were out of the country on vacation at the same time.
- On May 9, 2017, Your Honor permitted Mr. Archer to travel on business to London.
- On June 6, 2017, Your Honor permitted Mr. Archer to travel on business to London.
- On June 13, 2017, Your Honor permitted Mr. Archer to travel on business to the Philippines and China.
- On July 26, 2017 Your Honor permitted Mr. Archer to travel on business to Italy, with one of his children.
- On September 20, 2017, Your Honor permitted Mr. Archer to travel on business to China, Vietnam, the Philippines, and Kazakhstan.
- On January 23, 2018, Your Honor permitted Mr. Archer to travel on business to China, Hong Kong, and the United Arab Emirates.
- On February 16, 2018, Your Honor permitted Mr. Archer to travel on business to Mexico.

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In short, Mr. Archer has proven that he is no risk of flight. As we have previously explained, the evidence that Mr. Archer is not a flight risk is not limited to these sixteen prior international trips. In the interests of judicial economy, we will not repeat all of those reasons here, and respectfully refer the Court to our prior correspondence on this issue. *See* ECF Nos. 41, 62, 78, 83, 84, 98, 111, 122, 148, 162, 166, 179, 182, 185, 189, 236, 305, 316.

As before, if the Court permits him to travel, Mr. Archer will report daily to his Pretrial Services Officer while he is away, and will turn over his wife's and three small children's passports.

In addition, if Your Honor is inclined to grant Mr. Archer permission to take this trip, he would respectfully ask to be excused from the conference currently scheduled for April 4, 2018. While Mr. Archer would prefer not to miss the conference, this is an important business trip for him and the last one he will be able to take (should the Court approve it) prior to trial, and therefore for at least the next several months. Mr. Archer can be arraigned on the new S2 Indictment at the final pre-trial conference, or else at any time this week or following the proposed trip that is convenient to the Court.

Thank you for your consideration of this request.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz

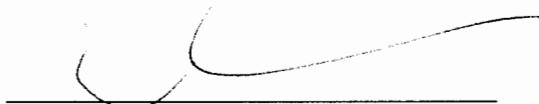
cc: BY ELECTRONIC MAIL

AUSAs Rebecca Mermelstein, Brendan Quigley, and Negar Tekeei
U.S. Pretrial Services Officer Andrew R. Kessler-Cleary

Application granted. Mr. Archer will report daily to his Pretrial Services Officer while he is away. He shall surrender the passports of his wife and small children. The attached exhibit shall be filed under seal as it contains private information.

In addition, his appearance is hereby waived for the April 4, 2018 conference.

SO ORDERED.


Ronnie Abrams, U.S.D.J.
March 28, 2018